

UNITED STATES BANKRUPTCY COURT
DISTRICT OF SOUTH DAKOTA

| | | |
|--------------------------|---|---------------------|
| In re: |) | Bankr. No. 13-40691 |
| |) | Chapter 7 |
| THERESA SHIELDS ZODY |) | |
| dba Nerium |) | |
| fdba Momme Z Creations Z |) | MOTION FOR TURNOVER |
| SSN/ITIN xxx-xx-4433 |) | |
| |) | |
| Debtor. |) | |

COMES NOW Lee Ann Pierce, Chapter 7 Trustee in the above captioned bankruptcy, and moves the Court to approve her motion for turnover and represents as follows:

1. This motion is brought pursuant to 11 U.S.C. §521(4).
2. This Court has jurisdiction pursuant to 28 U.S.C. §§ 1334 and 157.
3. On Schedule B Debtor listed a 2009 Toyota Camry valued at \$15,550.00. Debtor did not claim this vehicle exempt on Schedule C and she did not list a lienholder on Schedule D. The Debtor testified at the §341 meeting the vehicle is titled in her husband's name and there is a lien on the vehicle. The Trustee requested verification of ownership of the vehicle. The Debtor forwarded to the Trustee a copy of a South Dakota Registration which shows the Debtor's spouse as the owner of the vehicle; however, that document only indicates the husband was the sole owner on November 13, 2013, which was 30 days prior to the filing of the bankruptcy. The Trustee is requesting documentation showing the title history for the vehicle.
4. Debtor stated on Schedule B that April King owes her \$500.00 and Carol Dick owes her \$1,220.00. The Debtor did not claim these assets exempt on Schedule C. The Trustee is seeking turnover of Debtor's interest in these assets to be administered for the bankruptcy estate.
5. Debtor's personal property exemption limit under SDCL § 43-45-4 is \$5,000.00. Based on the information provided on Debtor's schedules and testimony at the §341 meeting, the value of Debtor's personal property is as follows:

| <u>Asset</u> | <u>Trustee Value</u> | <u>Amount Exempted</u> |
|----------------------------|----------------------|------------------------|
| Bank Accounts | 750.00 | 750.00 |
| Household Goods | 1,925.00 | 1,485.00 |
| 2013 Tax Refund | Unknown | 0.00 |
| Jewelry | 800.00 | 800.00 |
| Funds Owed by April King | 500.00 | 0.00 |
| Fund Owed by Carol Dick | 1,220.00 | 0.00 |
| 1998 Toyota Avalon | 800.00 | 800.00 |
| 2009 Toyota Camry | Unknown | 0.00 |
| Mommez Creations Inventory | 50.00 | 0.00 |
| Nerium Inventory | 300.00 | 0.00 |
| Total | \$6,345.00 | \$3,835.00 |

Debtor has \$2,510.00 of non-exempt personal property equity not including the funds owed by April King and Carol Dick. Debtor has not exempted any of the pre-petition share of her 2013 federal income tax refund, and therefore 346/365ths of Debtor's 2013 federal income tax refund is property of the bankruptcy estate.

Wherefore, the Trustee would hereby request the Court order Debtor to turn over to the Trustee documentation showing the title history of the 2009 Toyota Camry; \$2,510.00; the pre-petition amount of Debtor's 2013 federal income tax refund which has not been claimed exempt; enter an order turning over Debtor's interest in the funds owed to her by April King and Carol Dick to the Trustee; and for such other and further relief as is deemed appropriate by the Court under the circumstances.

Dated this 3rd day of March, 2014.

FITE, PIERCE & RONNING LAW OFFICE

/s/ Lee Ann Pierce

Chapter 7 Bankruptcy Trustee

316 Fourth St.

P.O. Box 524

Brookings, SD 57006-0524

Phone: 605 692-9415

Fax: 605 692-1433